

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

NELSON GALILEO MARTINEZ-GUZMAN
a/k/a "Juan Jose Guzman"

Defendant.

Case No. 1:19-mj-324

AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT AND ARREST WARRANT

I, Kurt Simard, being duly sworn, state the following:

1. I am a Deportation Officer with United States Immigration and Customs Enforcement, Enforcement and Removal Operations (ICE/ERO) in Fairfax, Virginia. I have been employed with ICE since August of 2011. I was previously employed as a Border Patrol Agent with United States Customs and Border Protection for three years. During that time, I have received specialized training and have conducted numerous investigations relating to administrative and criminal violations of the Immigration and Nationality Act and Title 8 of the United States Code.

2. My duties as a Deportation Officer with ICE include investigating administrative and criminal violations of the Immigration and Nationality Act and Title 8 of the United States Code and seeking, when applicable, prosecution and removal of violators. I have received training in general law enforcement, including training in Title 8 of the United States Code.

3. This affidavit is submitted in support of a criminal complaint and arrest warrant for Nelson Galileo MARTINEZ-GUZMAN (hereafter referred to as MARTINEZ-GUZMAN), an alien who was found in the United States after being denied admission, excluded, deported, or removed, or having departed the United States while an order of exclusion, deportation, or removal was outstanding, without having obtained the express consent of the Attorney General or the Secretary of Homeland Security to reapply for admission to the United States, in violation of Title 8, United States Code, Section 1326(a).

4. The facts and information contained in this affidavit are based upon my training and experience, personal knowledge, and observations during the course of this investigation, as well as the observations of other agents involved in this investigation. This affidavit contains information necessary to support probable cause, and it is not intended to include each and every fact and matter observed by me or known to the government.

SUMMARY OF FACTS TO SUPPORT PROBABLE CAUSE

5. On or around August 15, 2018, the Pacific Enforcement Response Center (PERC) in Laguna Niguel, California, encountered MARTINEZ-GUZMAN at the Fairfax County Adult Detention Center (FCADC) after he was arrested and charged with violations of state law. The FCADC is located in Fairfax, Virginia, which is in the Eastern District of Virginia. The PERC conducted record checks and ultimately lodged an immigration detainer against MARTINEZ-GUZMAN on or around August 15, 2018.

6. On or about June 19, 2019, MARTINEZ-GUZMAN entered ICE custody pursuant to the above-mentioned immigration detainer. ERO Washington officers obtained MARTINEZ-GUZMAN's fingerprints at that time and processed those fingerprints through ICE indices containing fingerprint records of known and previously deported aliens. This system is also

integrated with the criminal records maintained by the FBI and is commonly referred to as Next Generation Identification (NGI). The result of this query showed positive matches to MARTINEZ-GUZMAN and his FBI number.

7. On or around June 21, 2019, I reviewed documents from MARTINEZ-GUZMAN's alien file (commonly referred to as an "A file") that is maintained by United States Citizenship and Immigration Services. The A file contained one fully executed Immigration Service Form I-205, Warrant of Removal/Deportation. The I-205 bears the fingerprint, photograph, and signature of MARTINEZ-GUZMAN and confirms that he was removed from the United States to El Salvador on August 18, 2017 from Alexandria, Louisiana.

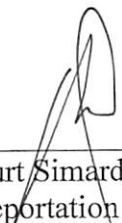
8. On June 21, 2019, I asked the FBI Special Processing Center to compare the fingerprints that ERO obtained from MARTINEZ-GUZMAN on or around June 19, 2019 with a fingerprint on MARTINEZ-GUZMAN's I-205 showing removal on August 18, 2017 and with another set of fingerprints located in his A file dated July 25, 2017. On June 21, 2019, the FBI successfully matched all submitted fingerprints to MARTINEZ-GUZMAN and his FBI number.

9. MARTINEZ-GUZMAN's A file indicates that he does not have any immigration benefit, document, or status that would allow him to enter, be admitted, pass through, or reside in the United States legally and he has neither sought nor obtained permission from the Attorney General of the United States or the Secretary of Homeland Security to reenter the United States following his formal removal.

CONCLUSION

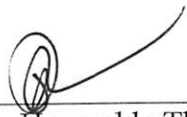
10. Based the foregoing, I submit there is probable cause to believe that on or about August 15, 2018, in Fairfax County, Virginia, within the Eastern District of Virginia, the defendant, Nelson Galileo MARTINEZ-GUZMAN, an alien, having been removed from the

United States on or about August 18, 2017, was found in the United States without having obtained the express consent of the Attorney General or the Secretary of the Homeland Security to reapply for admission to the United States, in violation of Title 8, United States Code, Section 1326(a).



Kurt Simard
Deportation Officer
United States Immigration and Customs
Enforcement

Sworn to and subscribed before me
This 18th day of July 2019.



/s/ Theresa Carroll Buchanan
United States Magistrate Judge
The Honorable Theresa Carroll Buchanan
United States Magistrate Judge
Alexandria, Virginia